

Customer Number 23446  
**PATENT APPLICATION**  
Docket No: 11022US16 / 200-70.P3.C5

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR §1.53(b)**

**Mail Stop Patent Application**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**



Sir:

This is a request under 37 CFR §1.53(b) for filing a

- ☒ continuation application.
- ☐ divisional application.

**1. Particulars of Prior Application**

Application Serial No: 09/711,485

U.S. Filing Date: 11/13/2000

Title: IMMUNOTOXINS COMPRISING RIBOSOME-INACTIVATING  
PROTEINS

Art Unit: 1644

Examiner: David A. Saunders

Prior Docket No.: 11022US12 / 200-70.P3.C4

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"EXPRESS MAIL" Mail Label No. EV 326569591 US

Date of Deposit: November 18, 2003

**2. This request is filed by:**

<b>1.</b> Full Name of Inventor	Family Name Better	First Given Name Marc	Second Given Name D.
Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship United States
Post Office Address	Post Office Address 249 Sheridan Road	City Oakland	State & Zip Code/Country California 94618
<b>2.</b> Full Name of Inventor	Family Name Carroll	First Given Name Stephen	Second Given Name F.
Residence & Citizenship	City Walnut Creek	State or Foreign Country California	Country of Citizenship United States
Post Office Address	Post Office Address 1308 Milton Avenue	City Walnut Creek	State & Zip Code/Country California 94596
<b>3.</b> Full Name of Inventor	Family Name Studnicka	First Given Name Gary	Second Given Name M.
Residence & Citizenship	City Santa Monica	State or Foreign Country California	Country of Citizenship United States
Post Office Address	Post Office Address 1504 Berkeley Street, Apartment E	City Santa Monica	State & Zip Code/Country California 90404

- ☐ This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

### **3. Amendments**

- ☒ Amend the specification by replacing the first sentence with the following sentence:  
--This application is a continuation of U.S. Application Serial No. 09/711,485 filed November 13, 2000, now U.S. Patent No. 6,649,742, which is a continuation of U.S. Application Serial No. 08/839,765 filed April 15, 1997, now U.S. Patent No. 6,146,631, which is a continuation of U.S. Application Serial No. 08/425,336 filed April 18, 1995, now U.S. Patent No. 5,621,083, which is a continuation of U.S. Application Serial No. 08/064,691 filed May 12, 1993, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 07/988,430 filed December 9, 1992, now U.S. Patent No. 5,416,202, which is a continuation-in-part of U.S. Patent Application Serial No. 07/901,707 filed June 19, 1992, now U.S. Patent No. 5,376,546, which in turn is a continuation-in-part of U.S. Patent Application Serial No. 07/787,567 filed November 4, 1991, now abandoned.--
- ☐ Cancel claims in the prior application before calculating the filing fee.
- ☒ A Preliminary Amendment is enclosed.
- ☐ The filing fee is based upon entry of the foregoing amendment(s) (if any).

### **4. Copy of Prior Application**

The enclosed is a copy of the prior application, including the specification, formal drawings, the oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. Also enclosed is a Request to Use Computer Readable Sequence Listing Diskette Form From Another Application.

### **5. Incorporation By Reference**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**6. Priority**

- ☐ Priority of application No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC §119.
- ☐ The certified copy(ies) was(were) filed in prior U.S. Application No. \_\_\_\_\_.
- ☐ The certified copy(ies) has(have) not been filed.

**7. Assignment**

- ☒ The prior application is assigned of record to XOMA Technology Ltd. on November 20, 2001 at Reel No. 8213, Frame No. 547 (7 pages).

**8. Small Entity Status**

- ☐ Verified statement(s) claiming small entity status is(are) attached.
- ☒ Small entity status has been established in the prior application and is still proper and desired.

**9. Fee Calculation**

CLAIMS AS FILED – INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$375.00		\$750.00
TOTAL	-20	0 =	X 0 =	0.00	X 18 =	\$
INDEP.	-3	0 =	X 0 =	0.00	X 84 =	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 140 =	\$	+ 280 =	\$
Filing Fee:				\$	OR	\$

**10. Method of Payment of Fees**

- ☐ Attached is a check in the amount of: \$\_\_\_\_\_

- ☐ Charge Deposit Account No. 13-0017 in the amount of: \$\_\_\_\_\_
- A copy of this Transmittal is enclosed.
- ☒ This continuation application is being filed without a fee.

**11. Deposit Account and Refund Authorization**

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees, other than the application filing fee, which may be required during the pendency of this application under 37 CFR §1.16 or 37 CFR §1.17 to Deposit Account No. 13-0017. A copy of this Transmittal is enclosed. Please refund any overpayment to McAndrews, Held & Malloy, Ltd. at the address below.

Please direct all future communications to:

**Janet M. McNicholas, Ph.D.**  
**McAndrews, Held & Malloy, Ltd.**  
**500 W. Madison Street, 34<sup>th</sup> Floor**  
**Chicago, Illinois 60661**

Respectfully submitted,

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Date: November 18, 2003

By: Janet M. McNicholas  
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